

OCKKGUOC

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

23 CR 118 (AT)

5 MILES GUO,

6 Conference

7 Defendant.

8 -----x

9 New York, N.Y.  
10 December 20, 2024  
11 9:30 a.m.

12 Before:

13 HON. ANALISA TORRES,

14 District Judge

15 APPEARANCES

16 EDWARD Y. KIM  
17 Acting United States Attorney for the  
18 Southern District of New York  
19 RYAN B. FINKEL  
20 JULIANA MURRAY  
21 MICAH FESTA FERGENSON  
22 Assistant United States Attorneys

23 PRYOR CASHMAN LLP  
24 Attorneys for Defendant

25 BY: SIDHARDHA KAMARAJU  
-AND-

SABRINA SHROFF  
-AND-

ALSTON & BIRD LLP.  
BY: E. SCOTT SCHIRICK

Also Present:

Junjie Chen, Interpreter (Mandarin)  
Michael Gartland, USAO Paralegal

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1 (Case called)

2 THE COURT: Good morning.

3 We are here in the matter of United States v. Miles  
4 Guo.

5 Counsel, would you make your appearances, please.

6 MR. FINKEL: Good morning, your Honor. Ryan Finkel,  
7 Juliana Murray, and Micah Fergenson, for the United States.  
8 We're joined at counsel table by Michael Gartland, who's a  
9 paralegal in our office.

10 MR. KAMARAJU: Good morning, your Honor.  
11 Sidhardha Kamaraju, Sabrina Shroff, and --

12 THE LAW CLERK: My apologies. We will take a brief  
13 pause.

14 (Pause)

15 THE COURT: I understand that there's a problem with  
16 the microphone, or the equipment in general.

17 THE INTERPRETER: Yes.

18 THE COURT: So please be seated, and we'll wait for  
19 the new equipment.

20 I will take a pause and return once this is settled.

21 (Pause)

22 THE COURT: Defense counsel, if you will, just make  
23 your appearances again, please.

24 MR. KAMARAJU: Yes, your Honor. Sidhardha Kamaraju,  
25 Sabrina Shroff, and Scott Schirick, on behalf of Mr. Guo, who

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1 is with us at counsel's table. Thank you.

2 THE COURT: Please be seated.

3 I'd like the interpreter to identify herself, please.

4 THE INTERPRETER: Okay, yes.

5 My name is Junjie Chen. I am a Mandarin interpreter  
6 for this court appearance.

7 THE COURT: And I'd like the interpreter to be sworn.

8 (Interpreter sworn)

9 THE COURT: So, I understand that the defense is  
10 requesting an ex parte conference; is that correct?

11 MR. KAMARAJU: I think to the extent you're going to  
12 inquire of Mr. Guo, yes, your Honor.

13 THE COURT: All right. So I am going to excuse the  
14 prosecution.

15 MR. FINKEL: Your Honor, before we are excused, can we  
16 place something on the record?

17 THE COURT: Go ahead.

18 MR. FINKEL: So, your Honor, we are not privy to what  
19 exactly is going on between the defendant and his current  
20 counsel, his retained counsel. I understand it's not an  
21 expense issue, it's not an inability to pay. If it was, we can  
22 point the Court to authority that will enable the Court to  
23 direct CJA funds to retain counsel. If it's something else, we  
24 would just ask the Court to consider, and I'm sure the Court  
25 will, that the victims of these very serious offenses have

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1 rights, specifically a right to be free from unreasonable  
2 delay. That's 18 U.S.C. 3771. There have been a number of  
3 adjournments to this sentencing proceeding already, as the  
4 Court knows, and as the Court has heard from the many victim  
5 statements that we have provided to your Honor, I think there  
6 is a very strong interest in seeing a resolution to these  
7 matters. In part, not just so this matter can be completed,  
8 but, also, so that the hundreds of millions of dollars the  
9 government has seized can be distributed to the victims, and so  
10 they can begin to receive the money that they are owed from  
11 what they have experienced from these crimes.

12 There are essentially two items left here, your Honor,  
13 a sentencing submission from the defendants and the sentencing  
14 proceeding itself. We have rounded third base, and we're  
15 closing in on home, and as the Court considers whether  
16 substitution is appropriate, I just want to read from a letter  
17 that Ms. Shroff submitted to the Court on September 9th. It  
18 says, "The subject matter of this trial is dense, the trial  
19 record lengthy, and the issues to be tackled not exactly simple  
20 for probation or the defense."

21 So, as your Honor considers whatever is ailing the  
22 defense counsel and the defendant, we just ask your Honor to be  
23 mindful, and I am sure your Honor will be, of the rights of the  
24 victims to see this matter come to resolution. That is the  
25 government's focus at this stage of the proceedings, and we ask

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1 the Court to be considerate of those issues as well.

2 THE COURT: There's no one here more than myself who  
3 would like to see the conclusion of this case. I can assure  
4 you of that.

5 MR. FINKEL: We appreciate that, your Honor. And  
6 thank you for the opportunity to present that piece.

7 And last, if I can, regardless of the outcome of the  
8 ex parte proceeding, there will need to be some scheduling  
9 issues that are attended to, and we'd like to be present for  
10 those.

11 THE COURT: All righty. I'll invite you back.

12 MR. FINKEL: Thank you, your Honor.

13 (Pages 6-19 SEALED by order of the Court)  
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(In open court; government counsel present)

THE COURT: So, there are outstanding issues that I have to address, and which I cannot address today. And those matters will determine, to some extent, the sentencing date. So I do not have a sentencing date for you.

MR. FINKEL: Okay.

At the moment, your Honor, the government sentencing submission is due on Monday. We ask that it be adjourned until the Court resolves the issue pending before your Honor.

THE COURT: That's fine. I will give you a new date closer to the sentencing date.

MR. FINKEL: To the extent the Court feels it appropriate, is there going to be briefing about the substitution of counsel issue? Is your Honor scheduling an additional hearing? What's the next step the government should expect?

THE COURT: I am expecting a submission from counsel. And if I feel the need to have the prosecution weigh in, I will let you know.

MR. FINKEL: We appreciate that, your Honor.

At what date, just so the government has some understanding when counsel --

THE COURT: The submission is going to be made on the 30th of this month.

MR. FINKEL: The Codefendant Janping Wong's sentencing

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1 is still scheduled for January 6th?

2 THE COURT: It is.

3 MR. FINKEL: Thank you, your Honor. We appreciate it.

4 THE COURT: All righty. That brings our conference to  
5 a close. Happy holidays.

6 COUNSEL: Thank you, your Honor.

7 (Adjourned)